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22 UNITED STATES DISTRICT COURT
23 NORTHERN DISTRICT OF CALIFORNIA

24 ALL NIPPON AIRWAYS COMPANY,)
25 LTD.,)

26 Plaintiff,

27 vs.

28 UNITED AIR LINES, INC.,)

Defendants.)

AND RELATED COUNTER-CLAIM)

Case No. C07-03422 EDL

**JOINT CASE MANAGEMENT
STATEMENT**

Plaintiff ALL NIPPON AIRWAYS COMPANY, LTD. ("ANA") and
defendant UNITED AIR LINES, INC. ("UAL") jointly submit their case
management statement as follows:

1. Jurisdiction and Service

The parties assert that the Court's subject matter jurisdiction is based

1 upon 28 U.S.C. section 1332(a) and 28 U.S.C. section 1391. No
2 parties remain to be served.

3 2. Facts

4 On October 7, 2003, a collision occurred while ANA Flight NH007
5 was taxiing at San Francisco International Airport. During the taxi of
6 Flight NH007 and the pushback of UAL Flight UA809 by the UAL
7 tow driver, the right wings of Flight NH007 and Flight UA809
8 collided. Both airplanes sustained substantial damage to their right
9 wings.

10 3. Legal Issues

11 The essential issues in dispute are causation and the apportionment of
12 liability, if any, between the parties.

13 4. Motions

14 At present, no motions are pending. ANA may file a motion for a
15 protective order with respect to UAL's deposition notice and
16 document request concerning the Standard Ground Handling
17 Agreement. ANA may also file a motion to dismiss certain
18 allegations and affirmative defenses from UAL's Answer and
19 Counter-Complaint based on the Standard Ground Handling
20 Agreement.

21 UAL anticipates filing a motion to compel ANA to produce witnesses
22 in accordance with its September 12, 2007 deposition notice,
23 including relative to a 30(b)(6) witness regarding the ground handling
24 agreement and documents requested pertaining to same. Additionally,
25 UAL anticipates filing a motion for a protective order relative to
26 certain highly proprietary/sensitive documents prior to these being
27 produced.

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5. Amendment of Pleadings

The parties do not anticipate adding any claims or defenses.

6. Evidence Preservation

The parties are in the process of gathering evidence.

7. Disclosures

The parties are presently engaged in the process of exchanging initial disclosures and propounding their discovery.

8. Discovery

The parties have not stipulated to any discovery limits different from the Federal Rules. Depositions of both parties are being scheduled to commence before the end of 2007. There are potential out-of-state or out-of-country depositions of percipient witnesses.

9. Class Actions

This is not a class action case and the parties do not anticipate any class certification.

10. Related Cases

There are presently no related cases.

11. Relief

Both parties seek relief for the full cost of repair of their airplanes and damages resulting from the loss of use of the airplanes, as well as all interest accrued therewith.

12. Settlement and ADR

The parties have agreed to a private mediation and are in the process of scheduling a mediation.

13. Consent to Magistrate Judge for All Purposes

Both parties consent to have the magistrate judge conduct all further proceedings including trial and entry of judgment.

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14. Other References

This case is not suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

15. Narrowing of Issues

The parties believe that the issues in dispute may be narrowed at the completion of discovery.

16. Expedited Schedule

This is a case that cannot be handled on an expedited basis.

17. Scheduling

The parties request at least a nine months for discovery. The parties submit the following proposed trial and pretrial dates:

1. Fact discovery completed by July 31, 2008;
2. Expert witness disclosures and reports completed by September 30, 2008;
3. Rebuttal expert witness disclosures and reports completed by December 1, 2008;
4. Completion of all discovery by February 2, 2009;
5. Dispositive motions filed by March 2, 2009;
6. Trial date, May 4, 2009.

18. Trial

Plaintiff's Complaint and Defendant's Answer contains a request for a jury trial. The parties estimate that trial will take eight court days.

19. Disclosure of Non-Party Interested Entities or Persons

Each party has filed the "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16.

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20. Other

The parties agree that there are no other matters at this time that would assist the disposition of this matter.

Dated: September 25, 2007

CONDON & FORSYTH LLP

By: 

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SCOTT D. CUNNINGHAM
MARSHALL S. TURNER (*pro hac*
vice)
Attorneys for Plaintiff
ALL NIPPON AIRWAYS
COMPANY, LTD.

Dated: September 25, 2007

JAFFE RAITT HEUER & WEISS, P.C.

By: _____

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1 filing a motion to compel relative to its pending deposition notice and document
2 requests pertaining to the Standard Ground Handling Agreement.

3 The parties agree that there are no orders that should be entered by the Court
4 under Rule 16(c) at this time. However, the parties agree that a Rule 16(b)
5 Scheduling Order should be entered by the Court at this time.
6
7
8

9 Dated: September 25, 2007

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By: 

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15 Dated: September 25, 2007

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